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2007 SEP 18 PM 3:19

CLARENCE US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY _____ DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BEST BUDDIES LEASING, LLC,
a Nevada limited liability company,

Plaintiff

vs.

CABRILLO YACHT SALES, a business
entity, form unknown; DAN PETERS,
individually; BOB SMITH MARINE
SURVEYOR, LLC, a California limited
liability company; BOB SMITH,
individually; TA-YANG YACHT
BUILDING COMPANY, LTD., a foreign
corporation, and DOES 1 through 20,
inclusive,

Defendants.

CASE NO. 07 CV 1121 BTM (AJB)

Complaint Filed: June 21, 2007

**REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE (LETTER
ROGATORY)**

TO THE APPROPRIATE JUDICIAL AUTHORITY IN TAIWAN:

The United States District Court for the Southern District of California presents its compliments to the Appropriate Judicial Authority in Taiwan, and respectfully requests international judicial assistance to effect service of process in connection with a civil proceeding currently pending before this Court.

NATURE AND PURPOSE OF THE PROCEEDINGS AND REQUEST

In June 2007 plaintiff Best Buddies Leasing, LLC ("Best Buddies") filed this action for negligence, negligent and intentional misrepresentation, breach of warranties, and products liability arising from the purchase of a new sailing yacht.

1 On November 12, 2005, plaintiff purchased a new yacht from a yacht broker. Plaintiff
2 alleges that the yacht was manufactured by defendant TA-YANG YACHT BUILDING
3 COMPANY, LTD. ("TAYANA") and was covered by both the yacht broker's and the
4 manufacturer's express and implied warranties.

5 Plaintiff asserts that it discovered defects and non-conformities in the yacht and
6 notified defendants in writing of same.

7 Plaintiff alleges that both the yacht broker and manufacturer have refused and/or
8 failed to respond to any of the warranty claims made by Best Buddies.

9 Plaintiff prays for judgment for rescission of the purchase contract and restitution of
10 all monies expended thereunder; for general, special and actual damages; for interest, fees
11 and costs of suit; and for any other relief the court deems proper.

12 It has been represented to this Court that defendant TA-YANG YACHT BUILDING
13 CO., LTD. is a corporation organized and existing under the laws of Taiwan, with its
14 principal place of business at:

15 **TA-YANG YACHT BUILDING COMPANY, LTD.**
16 **60 Hai Chien Road, Chung Men Village**
17 **Lin Yuan, Kaohsiung Hsien 83206**
Taiwan, R.O.C.

18 **ASSISTANCE REQUESTED**

19 This Court respectfully requests that the Taiwanese judicial authorities:

20 1. Cause one copy of the Summons in a Civil Action, Complaint for Damages and
21 Rescission and Civil Cover Sheet annexed hereto to be served upon Defendant TA-YANG
22 YACHT BUILDING CO., LTD. at the above address in the manner prescribed for the
23 service of similar documents under the laws of Taiwan;

24 2. Cause the person who serves the documents upon an officer of TA-YANG
25 YACHT BUILDING CO., LTD. to execute an affidavit of service as provided by Taiwanese
26 law;

27 3. Return through diplomatic channels to this Court the affidavit of service and
28 a copy of the documents which were served.

1 The courts of the United States are authorized by statute, Section 1696, Title 28,
2 United States Code, to extend similar assistance to the Tribunals of Taiwan in like cases.

3 This Court extends to the judicial authorities of Taiwan the assurances of its highest
4 consideration.

5 Dated: *September 17, 2007*

Respectfully Requested,

6
7 *Barry Ted Moskowitz*

8 Judge Barry Ted Moskowitz
9 United States District Court
10 Southern District of California
11 800 Front Street, Suite 4290
San Diego, California 92101
United States of America
1.619.557.5583

12 (SEAL OF UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF
13 CALIFORNIA)

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17 Attachments:

- 18 1) Summons in a Civil Action, in English and in Chinese, in duplicate
19 2) Complaint for Damages and Rescission, in English and in Chinese, in duplicate
20 3) Civil Cover Sheet, in English and in Chinese, in duplicate
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